IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

Bail Appl..No. 4108 of 2007()

CRMP.1934/2007 of J.M.F.C.-II, MANANTHAVADY
C.P.23/07 OF J.F.C.M. COURT,-II, MANANTHAVADY

.....

PETITIONERS/A1 & 2 :

---

1. ABDUL GAFOOR,CHELAKKODOM HOUSE,
   ARANAPPARA,P.O THOLPETTY,THIRUNELLY AMSOM,DESOM,
   MANANTHAVADY.

2. FATHIMAKUTTY,CHELAKKODAN HOUSE,
   ARANAPPARA,P.O THOLPETTY,THIRUNELLY AMSOM,DESOM,
   MANANTHAVADY.

BY ADV. SRI.SAKIR.K.H.

RESPONDENTS:

STATE OF KERALA THROUGH THE
STATION HOUSE OFFICER,THIRUNELLY POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

- -

B.A.No. 4108 of 2007

- -

Dated this the 29th day of June, 2007

O R D E R

The petitioners are accused 1 and 3 in a committal proceedings registered before the J.F.C.M. -III, Manantoddy. The said proceedings has been registered on the basis of a private complaint. Earlier identical allegations were raised before the police. The police, after investigation, had referred the case as false. Later a protest complaint was filed. The learned Magistrate issued a non-bailable warrant against the petitioners for the offence under Section 304B I.P.C. Petitioners came to this Court with a prayer for anticipatory bail. Another Bench of this Court rejected the application and directed the petitioners to surrender before the learned Magistrate and seek regular bail. The petitioners did that. But their application was dismissed by Annex.A2 order.

2. The learned counsel for the petitioners submits that the petitioners do not deserve to continue in custody any longer. He therefore prays that immediate orders may be passed in the application, which is filed only today, and the petitioners may be directed to be released on bail on appropriate conditions.

3. The second petitioner/A3 is a woman and the first petitioner is her son. The complainant is the mother-in-law of the first accused, i.e., the mother of the deceased.

4. The learned Prosecutor only submits that appropriate orders may be passed.

5. I am satisfied in the facts and circumstances that the petitioners can be directed to be released on bail.

6. In the result:

1) This application is allowed.

2) The petitioners shall be released on bail on condition that they execute bonds for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(R. BASANT)
Judge

tm